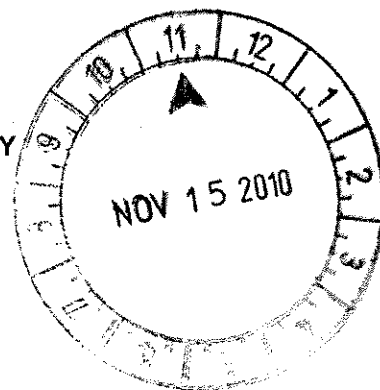




UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029



Ellen Gilinsky, Ph.D., Director
Division of Water Quality Programs
Virginia Department of Environmental Quality
629 E. Main Street
P.O. Box 1105
Richmond, Virginia 23218

NOV 1 2010

Dear Dr. Gilinsky:

The U.S. Environmental Protection Agency (EPA) has reviewed the Virginia Department of Environmental Quality's (DEQ) request to reclassify the James River benthic impairment (VAP-H39R-09-BEN) under Category 4A of Virginia's 2010 305(b)/303(d) Integrated Report submittal. This segment of the James River is a consent decree water that was originally assessed as not supporting the aquatic life use in 1996 based on biological monitoring data collected at two different sampling stations. Though benthic conditions and VSCI scores within the impaired segment of the James River have steadily improved since 1996, and the north channel of the segment is no longer impaired (Spring 2009 VSCI=65.5), current monitoring data indicates that the south channel of the segment is still impaired (Spring 2009 VSCI=54.9).

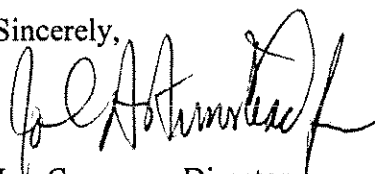
As explained in DEQ's letter, a stressor analysis consistent with EPA guidelines was unable to identify a definitive stressor to the benthic community within this segment of the James River. Habitat scores throughout the reach of the impaired segment were good, with low embeddedness and relatively clean substrate. In addition, ambient water quality results for the river indicated no conditions or parameters that would explain a benthic impairment. Upon further review, staff at EPA's Wheeling, West Virginia field office confirmed that a stressor could not be determined based upon available data.

DEQ indicates that the only possible source of impairment within this segment of the James River is a combined sewer overflow (CSO) discharge point located directly upstream of the impaired benthic monitoring station. The James River Wastewater Treatment Plant (VA0063177) CSO discharge may be contributing to the benthic impairment in ways that current data do not indicate. That said, DEQ has recently developed an EPA-approved bacteria TMDL for the James River which includes the entire area of the benthic impairment. DEQ therefore anticipates that if the CSO is the cause of the benthic impairment, it will be resolved with the imminent implementation of the James River bacteria TMDL.

Based upon this information, EPA approves the reclassification of the James River benthic impairment under Category 4A as part of the state's 2010 Section 305(b)/303(d) Integrated Report submittal. Category 4A is for waters that are impaired or threatened for one or more designated uses but do not require a TMDL because the TMDL for specific pollutant(s) is complete and US EPA approved.

If you have any questions or comments concerning this letter, please do not hesitate to call me, or have your staff contact Greg Voigt, at 215 814-5737.

Sincerely,

A handwritten signature in black ink, appearing to read "John Capacasa", written over a horizontal line.

John Capacasa, Director
Water Protection Division

cc: David Lazarus, VADEQ



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

SUBJECT: Re-classification of the Benthic Impairments in the James River to Category 4C on Virginia's 2010 Section 305(b)/303(d) Integrated Assessment Report.

FROM: Helene Drago, TMDL Program Manager
Office of Standards, Assessment and TMDLs (3WP30)

TO: Jon M. Capacasa, Director
Water Protection Division (3WP00)

THRU: Larry Merrill, Associate Director
Office of Standards, Assessment and TMDLs (3WP30)

1. The Environmental Protection Agency (EPA) is approving the Virginia Department of Environmental Quality's (VADEQ) request to re-classify a James River benthic impairment from Category 5A to Category 4C on Virginia's 2010 305(b)/303(d) Integrated Assessment Report.
2. The James River benthic impairment that is being reclassified (VAP-H39R-09-BEN) is a consent decree segment that was originally listed on Virginia's 1996 303(d) list of impaired waters for failing to support the Commonwealth's aquatic life (general standard-benthic) designated use.
3. Benthic conditions and Virginia Stream Condition Index (VSCI) scores within the benthic impaired segment of the James River have steadily improved since 1996. The north channel of the segment is no longer impaired (Spring 2009 VSCI=65.5), however current monitoring data indicates that the south channel of the segment is still impaired (Spring 2009 VSCI=54.9).
4. A stressor analysis was unable to identify a definitive stressor to the benthic community within this segment of the James River. Upon further review, staff at EPA's Wheeling, West Virginia field office confirmed that a stressor could not be determined based upon available data. DEQ indicates that the only possible source of impairment within this segment of the James River is a combined sewer overflow (CSO) discharge point. DEQ has recently developed an EPA-approved bacteria TMDL for the James River which includes the entire area of the benthic impairment. DEQ therefore anticipates that if the CSO is the cause of the benthic impairment, it will be resolved with the imminent implementation of the James River bacteria TMDL.
5. EPA has been working with the State of Virginia since September 23, 2009, to approve this re-classification.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

Ellen Gilinsky, Ph.D., Director
Division of Water Quality Programs
Virginia Department of Environmental Quality
629 E. Main Street
P.O. Box 1105
Richmond, Virginia 23218

Dear Dr. Gilinsky:

The U.S. Environmental Protection Agency (EPA) has reviewed the Virginia Department of Environmental Quality's (DEQ) request to reclassify the James River benthic impairment (VAP-H39R-09-BEN) under Category 4A of Virginia's 2010 305(b)/303(d) Integrated Report submittal. This segment of the James River is a consent decree water that was originally assessed as not supporting the aquatic life use in 1996 based on biological monitoring data collected at two different sampling stations. Though benthic conditions and VSCI scores within the impaired segment of the James River have steadily improved since 1996, and the north channel of the segment is no longer impaired (Spring 2009 VSCI=65.5), current monitoring data indicates that the south channel of the segment is still impaired (Spring 2009 VSCI=54.9).

As explained in DEQ's letter, a stressor analysis consistent with EPA guidelines was unable to identify a definitive stressor to the benthic community within this segment of the James River. Habitat scores throughout the reach of the impaired segment were good, with low embeddedness and relatively clean substrate. In addition, ambient water quality results for the river indicated no conditions or parameters that would explain a benthic impairment. Upon further review, staff at EPA's Wheeling, West Virginia field office confirmed that a stressor could not be determined based upon available data.

DEQ indicates that the only possible source of impairment within this segment of the James River is a combined sewer overflow (CSO) discharge point located directly upstream of the impaired benthic monitoring station. The James River Wastewater Treatment Plant (VA0063177) CSO discharge may be contributing to the benthic impairment in ways that current data do not indicate. That said, DEQ has recently developed an EPA-approved bacteria TMDL for the James River which includes the entire area of the benthic impairment. DEQ therefore anticipates that if the CSO is the cause of the benthic impairment, it will be resolved with the imminent implementation of the James River bacteria TMDL.

Based upon this information, EPA approves the reclassification of the James River benthic impairment under Category 4A as part of the state's 2010 Section 305(b)/303(d) Integrated Report submittal. Category 4A is for waters that are impaired or threatened for one or more designated uses but do not require a TMDL because the TMDL for specific pollutant(s) is complete and US EPA approved.

If you have any questions or comments concerning this letter, please do not hesitate to call me, or have your staff contact Greg Voigt, at 215 814-5737.

Sincerely,

Jon Capacasa, Director
Water Protection Division

cc: David Lazarus, VADEQ

M:\TMDL\TMDL\Virginia\2010 Delistings\James River

CONCURRENCES							
SYMBOL	3WP30	3WP30	3WP30	3WP00			
SURNAME	G. Voigt	H. Drago	L. Merrill	J. Capacasa			
DATE	GCV 10-19-09	ND 11/4/10	ND 11/4/10	ND 11/4/10			
EPA Form 1320-1 (12-70)					OFFICIAL FILE COPY		

ROUTING AND TRANSMITTAL SLIP

Date:

10/19/09

		Initials	Date
1. Greg Voigt (3WP30)		GCV	10/19/09
2. Helene Drago (3WP30)		H/D	11/4/10
3. Larry Merrill (3WP00)		H/D	11/4/10
4. Jon Capacasa (3WP00)			
Action	File	Note and Return	
Approval	For Clearance	Per Lan Message	
As Requested	For Correction	Prepare Reply	
Circulate (if needed)	For Your Information	See Me	
Comment	Investigate	X	Signature
Coordination	Justify	X	Concurrence
REMARKS: Approval of Delisting Request for Benthic Impairments in the James River, Virginia.			
From: (Name, org, Symbol, Agency/Post) Maryann Healy		Room No. -- Bldg. 3WP30 Phone No. 4-5747	

5041-108

Optional Form 41 (Rev. 1-94)
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